

# MEMORANDUM

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: PHILIP S. MILLER  
Principal Deputy County Counsel  
General Litigation Division

RE: Joseph Amezola v. County of Los Angeles, et al.  
Superior Court Case No. BC 291633

DATE OF  
INCIDENT: March 17, 2002

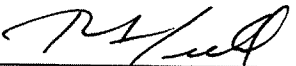
AUTHORITY  
REQUESTED: \$40,000

COUNTY  
DEPARTMENT: Sheriff's Department

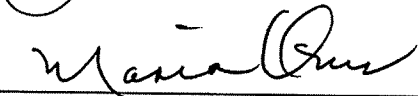
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## CLAIMS BOARD ACTION:

☒ Approve                      ☐ Disapprove                      ☐ Recommend to Board of  
Supervisors for Approval

  
\_\_\_\_\_, Chief Administrative Office  
**ROCKY A. ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on August 16, 2004

## SUMMARY

This is a recommendation to settle for \$40,000, the lawsuit of Joseph Amezola for injuries he sustained when he was tackled and restrained by Sheriff's Deputies while he was an inmate in the Men's Central Jail.

## LEGAL PRINCIPLES

The County is liable under the Federal Civil Rights Act for injuries to jail inmates caused by the use of excessive force. A person who proves a violation of his civil rights is also entitled to an award of attorney fees. The County is also liable if its employees inflict emotional distress on jail inmates.

## SUMMARY OF FACTS

This lawsuit arises from an incident in the Men's Central Jail in which inmate Mr. Amezola was tackled by Sheriff's Deputies while Mr. Amezola was running toward the showers in his housing area.

On March 17, 2002, the date of the incident, Mr. Amezola was housed in an area of Men's Central Jail reserved for inmates who have had an attack authorized against them by the Mexican Mafia. On the day of the incident, 17 inmates were housed in that area. The inmates were being showered in two separate showers, the 2500 Module shower and the 2800 Module shower.

Mr. Amezola was released from his cell, at his request, to shower in the 2500 Module. As Mr. Amezola left his cell, he ran back along his row, stopping at several cells. He then ran toward the front of the row and out of the module, ignoring direct orders to stop given by the 2500 Module control deputy.

Mr. Amezola ran down a flight of stairs, and entered the hallway leading to the 2800 Module shower, which was being supervised by another Sheriff's Deputy. The Sheriff's Deputy supervising the 2800 Module shower ordered Mr. Amezola to stop. Seeing that his order was being ignored, the Sheriff's Deputy approached Mr. Amezola, and tackled him around the waist. They eventually collided into the steel door frame of the 2800 Module shower, and fell to the floor. As the Sheriff's Deputy struggled to gain control of Mr. Amezola, the Sheriff's Deputy supervising the 2500 Module arrived, and together the Sheriff's Deputies subdued and handcuffed Mr. Amezola.

During the attempt to subdue Mr. Amezola, other Sheriff's Deputies arrived to assist. Between the time he was tackled and the time he was ultimately handcuffed, Mr. Amezola received numerous contusions, cuts, bumps, and abrasions to his head, shoulders, back, and legs.

## DAMAGES

The Sheriff's Deputy who tackled Mr. Amezola indicates he and Mr. Amezola collided into a metal shower entrance door. It is believed that Mr. Amezola struck the door frame with his forehead. The Sheriff's Deputy states that he temporarily lost his grip on Mr. Amezola following the collision with the door and had to grab Mr. Amezola again to get him to the ground. Mr. Amezola refused to remove his right hand from under his body, even though ordered to do so. The Sheriff's Deputy acknowledges striking Mr. Amezola on the right shoulder and in the ribs in an attempt to get him to remove his right arm from under his body. Mr. Amezola finally stopped resisting, and brought his hand out for handcuffing.

The control deputy from the 2500 Module also assisted in subduing Mr. Amezola. He has testified in deposition that Mr. Amezola refused to bring his left hand out from under his body, although repeatedly directed to do so. The control deputy testifies that he struck Mr. Amezola on the left shoulder and back several times with his fist in an attempt to get Mr. Amezola to release his left hand.

Mr. Amezola was escorted to the nurses station to be examined. The nurse who conducted the examination describes Mr. Amezola's injuries as "multiple scratches and redness noted to upper back and small scratch noted to nose and right temple area-swelling and redness noted to forehead and inmate is unable to use right middle finger, right ring finger and right little finger-nasal bleeding noted and also redness noted to right wrist-he complains of pain to face, back of head, nose, right hand and leg."

All of Mr. Amezola's observable contusions, cuts, and abrasions are consistent with the struggle described by the Sheriff's Deputies.

Mr. Amezola received treatment for his injuries for three days. He was subsequently transferred to the state prison at Chino, where he sought no further treatment for his injuries. Currently incarcerated again in state prison, Mr. Amezola has begun complaining of frequent headaches and even claims to have occasional seizures.

Should this matter proceed to trial, the potential damages could be as follows:

Future medical expenses	\$ 25,000
Emotional damages	\$100,000
Attorney fees	<u>\$100,000</u>
Total	\$225,000

### STATUS OF CASE

This matter was scheduled for trial on June 10, 2004, in Department 52 of the Superior Court. That trial date has been vacated pending action on this proposed settlement.

Expenses incurred by the County in defense of this matter are attorney fees of \$89,924 and costs of \$4,227.


### EVALUATION

This is a case of disputed liability. However, the injuries suffered by Mr. Amezola are, to a large extent, consistent with his position that Sheriff's Deputies used unnecessary force in subduing him. Additionally, a number of inmates who witnessed the incident have made statements indicating that some of the Sheriff's Deputies continued to strike Mr. Amezola after he was subdued. Such testimony might cause a jury to conclude that excessive force was used in subduing Mr. Amezola.

Should the jury conclude excessive force was used in subduing Mr. Amezola, he would be entitled to an award of attorney fees in conjunction with the violation of his civil rights.

We believe a jury award, including attorney fees, could well exceed the recommended settlement amount. The Sheriff's Department concurs with this settlement recommendation.

APPROVED:

  
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GARY N. MILLER  
Assistant County Counsel  
General Litigation Division

GNM:caaw